

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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PETITION OF NORTHERN INDIANA PUBLIC)
SERVICE COMPANY FOR APPROVAL OF) CAUSE NO. 41338 GCA 10
ANNUAL DEMAND, TAKE-OR-PAY,)
TRANSITION AND STORAGE AND) PREHEARING CONFERENCE
TRANSMISSION COSTS TO BE APPLICABLE) ORDER
IN THE TWELVE-MONTH PERIOD,)
BEGINNING NOVEMBER 1, 2008) APPROVED: OCT 15 2008

BY THE COMMISSION:

Gregory D. Server, Commissioner

Lorraine Hitz-Bradley, Administrative Law Judge

On August 27, 2008, Petitioner Northern Indiana Public Service Company ("NIPSCO" or "Petitioner") filed its petition with the Indiana Utility Regulatory Commission ("Commission") in this matter.

Pursuant to notice and as provided for in 170 I.A.C. 1-1.1-15, a Prehearing Conference in this Cause was held in the IURC Conference Center, Judicial Courtroom 224, National City Center, 101 West Washington Street, Indianapolis, Indiana at 9:30 a.m. EDT on October 6, 2008. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. The Petitioner, Intervenor NIPSCO Industrial Group ("NIG") and LaPorte County and the Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference. No members of the general public appeared.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record. Based upon the agreement of the parties, the Commission now enters the following Findings and Order which should become a part of the record in this proceeding:

1. **Petitioner's Prefiling Date.** The Petitioner should prefile with the Commission the additional prepared testimony and exhibits supplementing its case-in-chief on or before November 17, 2008. Copies of same should be served upon all parties of record.

2. **Public and Intervenor's Prefiling Date.** The Public and all Intervenor should prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before February 27, 2009. Copies of same should be served upon all parties of record.

3. **Petitioner's Rebuttal and Cross Responsive Prefiling Date.** The Petitioner should prefile with the Commission its prepared rebuttal testimony on or before March 27, 2009. Also on March 27, 2009, all other parties shall prefile the testimony and exhibits constituting their respective responses to the direct testimony previously filed. Copies of same should be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Petitioner, Public and any Intervenor should be presented in the Indiana Utility Regulatory Commission Conference Center, Suite 220, Judicial Courtroom 224 at the National City Center, 101 West Washington Street, Indianapolis, Indiana at 10:30 a.m. EST on April 20, 2009. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenor's witnesses. If the parties reach settlement, the agreement should be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

5. **Sworn Testimony.** Any witness testimony to be offered into the record of this proceeding should be made under oath or affirmation. In accordance with 170 I.A.C. 1-1.1-18(h), if the prefiled testimony of a witness is to be offered into evidence at the Evidentiary Hearing, and the witness sponsoring the prefiled testimony is not required to, and does not, attend the Evidentiary Hearing, the prefiled testimony should be accompanied by the witness' sworn affidavit or written verification at the time the evidence is offered into the record.

6. **Discovery.** Discovery is available for all parties and should be conducted on an informal basis. Any response or objection to a discovery request should be made within ten (10) calendar days of the receipt of such request. After November 17, 2008, all discovery responses or objections shall be made within five (5) business days.

7. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should concurrently file copies of the work papers used to produce that evidence. Copies of same should also be provided to any other party requesting such in writing. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

8. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

9. **Intervenors.** Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 I.A.C. 1-1.1-11.

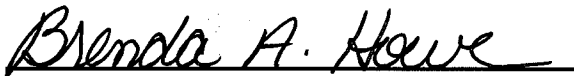
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.
2. This Order shall be effective on and after the date of its approval.

GOLC, LANDIS, SERVER AND ZIEGNER CONCUR; HARDY ABSENT:

APPROVED: OCT 15 2008

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



**Brenda A. Howe
Secretary to the Commission**